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November 5, 2003

Ms. Marlene Dortch
Secretary
Federal Communications Commission
445 12th Street SW, Room TWB-204
Washington, DC 20554

RE: Reply Comments of TSI Telecommunication Services Inc.
Docket No. 01-338, *Triennial Review Order and FNPRM*

Dear Ms. Dortch:

TSI Telecommunication Services Inc. (TSI) is a global supplier of interoperability solutions to more than 250 telecommunications operators throughout North America, Latin America, Asia-Pacific and Europe. TSI offerings include SS7 signaling services, intelligent network services, database services, fraud and carrier access billing solutions, and other service bureau applications. TSI is based in Tampa, Fla., U.S.A.

TSI owns and operates one of the largest independent SS7 networks in the United States. TSI provides signaling and call-related database services to CLEC and CMRS Carriers. We view ourselves as a competitive alternative to the RBOCs for signaling services. However, we are dependent on the RBOCs to provide services.

Today, if a Carrier receives authority to serve the local exchange and chooses to purchase "check-list" items from an RBOC, the RBOC is obligated to negotiate terms and conditions associated with the exchange of telecommunications traffic, including the exchange of signaling traffic, consistent with the provisions of the Telecommunications Act of 1996. Carriers negotiate interconnection arrangements and contractual terms to provide both Carriers cost recovery for their investment and fair prices for traffic exchanged between Carrier networks applied on a reciprocal compensation or bill-and-keep basis; consistent with FCC rules.

If the FCC grants Verizon's request for forbearance, ending the RBOCs requirement of offering non-discriminatory access to "signaling and call related database services," then TSI respectfully requests that third-party signaling providers be afforded the ability to negotiate similar terms and conditions as Carrier customers we serve. To date, the RBOCs have refused TSI the ability to purchase signaling on the same terms and conditions as our Carrier customers on the pretense that the third-party signaling provider is not a Carrier which completely ignores the fact that the signaling is being purchased on behalf of a Carrier for the Carrier's switched telecommunications traffic. Third-party signaling providers carry no voice traffic and have no independent use for signaling messages, except to support the telephone calls of our Carrier customers. Accordingly, the RBOC practices results in the discriminatory and anti-competitive treatment of those Carriers who choose to utilize a third-party provider for signaling services.

TSI signaling services supports local calls exchanged with RBOC networks by our CLEC and CMRS customers. In several states, the RBOCs have implemented an intrastate SS7 tariff structure in a manner that permits the RBOC to apply "ISUP message charges" from an "access tariff" on local calls that are otherwise subject to interconnection arrangements with eligible telecommunications carriers and does so for end-user traffic that the RBOC initiates, which is a violation of applicable reciprocal compensation rules and policies. TSI requests that the FCC rule that ILEC, CLEC and CMRS Carriers serving the local exchange can use third-party signaling providers to support the exchange of their traffic with the RBOCs, and assure terms consistent with the Telecommunications Act of 1996, including reciprocal compensation provisions.

In this proceeding, SBC and Verizon recognized TSI as a competitive alternative to the RBOCs for signaling services. However, we respectfully request the FCC clarify that no matter how a Carrier chooses to provision signaling, the benefits of alternative tariff arrangements or negotiated agreements associated with signaling be available to the Carriers, even when they choose to purchase signaling services from a third-party SS7 provider. TSI asserts that the RBOCs should not only acknowledge the services and benefits provided by third-party signaling providers, but should afford such third-party signaling providers the same or similar treatment as it does eligible Carrier customers who either contract with the RBOC directly for signaling services or provide their own independent SS7 signaling services. A Carrier should not be penalized with higher tariffed rates and differing terms and conditions simply by choosing a third-party alternative to the RBOCs for signaling services. An RBOCs refusal to offer similar terms and conditions to third-party signaling providers who stand in the shoes of their Carrier customers results in the discriminatory and anti-competitive treatment of those third-party providers and their Carrier customers.

In addition, when the Commission removes a network element from the unbundled network element list pursuant to Section 251(d)(2), it is acknowledging that such element is competitively available and that facilities-based competition is growing. Forbearance from requiring compliance with Section 271(c)(2)(B) for a network element that has been delisted pursuant to Section 251(d)(2) discourages competitors from unnecessary, continued reliance on RBOC facilities. Likewise, forbearance should foster competition by encouraging competitors to build their own facilities or to seek out competitive alternatives. TSI supports this policy and believes that third-party signaling providers provide an important alternative in the market for Carriers; we will continue to serve Carrier customers.

In summary, TSI respectfully requests the Commission to find in this proceeding that signaling elements are competitively available either through third-party providers (like TSI), or through self provisioning, and ILEC competitors do not need mandatory access to these elements, as required by Section 271(c)(2)(B), to compete with ILECs, generally, or BOCs, specifically. Moreover, the competitive availability of signaling and call related databases negate any need to require them under Section 271(c)(2)(B) to address the risks of remonopolization of long distance markets. TSI asks the FCC to clarify in its findings that Carriers serving the local exchange use third-party signaling providers and we respectfully request the FCC to issue rules recognizing third-party signaling providers, granting us the ability to negotiate terms similar to a Carrier purchasing directly from the RBOC. In addition, we ask the FCC to issue rules that promote innovation in the market by preventing below cost pricing for signaling services. Again, TSI respectfully requests the FCC to use its authority to promote innovative interconnection services and expand the availability of providers and offerings in the marketplace. TSI appreciates FCC consideration of these issues. If TSI can provide any additional information, please contact me at 813-273-3307.

Very truly yours,

David J. Robinson
TSI Telecommunication Services, Inc.